

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Edwina Rance and Westchester Residential
Opportunities, Inc.,

Plaintiffs

against -

Jefferson Village Condominium No. 5, and
McGrath Management Services Inc.

Defendants

18 Civ. 6923 (PMH)

**JOINT PROPOSED VOIR DIRE
QUESTIONS**

Parties submit the following voir dire questions.

PRELIMINARY STATEMENT

This is a case in which the Plaintiffs, Edwina Rance and Westchester Residential Opportunities, Inc., allege that the Defendants, Jefferson Village Condominium No. 5 and McGrath Management Services, Inc., have discriminated against Plaintiffs in violation of the Fair Housing Act, New York State Human Rights Law, and Westchester Fair Housing Law. Mrs. Rance passed away in April 2020. However, her estate is prosecuting this case on behalf of Ms. Rance.

Mrs. Rance lived in a 55+ year-old condominium development in Yorktown Heights, New York. Plaintiff Westchester Residential Opportunities, Inc., is a non-profit housing rights advocacy organization located at White Plains, New York. Defendant Jefferson Village Condominium No. 5 is, as the name suggests, a condominium association that owns and operates the condominium development where Mrs. Rance lived and owned a condominium unit. McGrath Management Services, Inc., is a property management company that Jefferson Village Condominium No. 5 has contracted with to manage the condominium.

QUESTIONS

1. Did you know Edwina Rance, one of the plaintiffs in this case?
2. Have you ever had any dealings, of any kind, with Marlene Zarfes or Westchester Residential Opportunities, Inc., the other plaintiff in this case?
 - a. If yes, please provide a brief description of your interaction.
3. Have you ever had any dealings, of any kind, with Jefferson Village Condominium No. 5, one of the defendants in this case?
 - a. If yes, please provide a brief description of your interaction.
4. Have you ever had any dealings, of any kind, with McGrath Management Services, Inc., the other defendant in this case?
 - a. If yes, please provide a brief description of your interaction.
5. Have you ever had any dealings, of any kind, with Jefferson Village Condominium's?
6. Do you know James E. Bahamonde, Esq., the attorney for the plaintiffs in this case?
7. Do you know Wilson Elser, Moskowitz, Edelman & Decker, LLP, Eric J Sauter, James M. Marshall, Helmut Beron, Janeen Thomas, Timothy Coon, Eckert Seamans, the attorneys and law firm for the defendants in this case?
8. Do you know any of the following people, who may be called as witnesses in this case?

Ronald Freyer	Michael Grace	Rochelle Saks
Rajneesh Uppal MD	Richard Falcone	
Thomas D. Eustace, Ph.D.	Hussein Khoder	

9. This trial is expected to last for (x) day(s). Is there anyone here whose schedule is such that being selected as a juror for (x) day(s) would cause a severe, undue hardship?
10. Have you ever served as a juror before? When and where? What type of case?

11. Are you familiar with the condominium development located at Molly Pitcher Lane, Yorktown Heights, New York?
12. Have you ever lived in any type of condominium community?
13. Have you ever lived in any other type of deed-restricted community, such as a homeowners association, or co-op?
14. Have you, a close relative, or a close friend, ever served on the board of a condominium community?
15. Have you, a close relative, or a close friend, ever worked for a property management company?
16. Have you, a close relative, or a close friend, ever been diagnosed as having a mental disability? For example, any type of severe or chronic psychiatric disorder, or neurological impairment, anxiety disorder, among others.
17. Have you, a close relative, or a close friend, ever served as a visiting, or live-in, nurse or caregiver for an individual with a mental disability?
18. Are you aware of the existence of fair housing laws?
 - a. How did you become aware of their existence?
 - b. Do you believe in what these laws are trying to accomplish?
19. Have you ever discussed with anyone the real or potential effects of laws aimed at preventing discrimination in housing?
20. During these discussions, were you all expressing pretty much the same attitude, or was there some conflict among you? Which side of the coin were you on?
21. Have you, a close relative, or a close friend, ever been accused of any type of discrimination?
 - a. If yes, please provide a general description of the individuals involved and the nature of the incident.
22. Have you ever accused anyone of any type of discrimination?
 - a. If yes, please provide a general description of the individuals involved and the nature of the incident.

23. Have you ever been involved as a party or witness in a case alleging disability discrimination?
24. Have you ever received any kind of training, at work or elsewhere, which taught you how to deal with individuals with disabilities?
 - a. If yes, please provide a brief description of the training and who, or where, you received it from.
25. Prior to today, have you read or heard anything, from any source, about this case?
26. Do you believe discrimination against persons with any type of disability, either physical or mental, is no longer a significant problem in the Westchester County area?
27. Do you believe the civil rights laws that protect persons with physical or mental disabilities, which enable them to live wherever they choose, go too far, not far enough, or are just about right?
28. Do you believe that people complain too much, or not enough, about any type of discrimination?
29. Do you feel that a condominium association should be able to exclude persons with mental disabilities if the association, or the condominium unit owners, do not want them living there?
30. Do you believe that you may have more sympathy for a condominium association, and might have a difficult time rendering a fair and impartial verdict on behalf of a unit owner who claims to have been discriminated against by the condominium association?
31. Have you ever been a plaintiff or a defendant in a civil lawsuit?
32. Do you believe an individual who has been discriminated against should receive compensation for emotional suffering?
33. Is there anything that you can think of that would prevent you from following the court's instructions of the law for claims of discrimination, even if you may not agree with that law, or if it conflicts with other personal feelings you may have?
 - a. If yes, please explain.

34. Do you own your own home or rent? Is it a house or apartment?
35. What is the highest level of education you have completed? (i.e., high school, community or vocational college, trade school, 4-year college, graduate or professional school, etc.)
36. What degrees, diplomas and/or professional licenses, if any, do you hold?
37. What is your current employment status? (i.e., employed, unemployed, retired, homemaker, something other)
38. What is/was your present or most recent job?
 - a. What is/was your job title and description?
 - b. Where is/was your place of work?
 - c. How long are/were you at this job?

Defendants' Objections

Defendants' object to the portion of #16 that states "For example, any type of severe or chronic psychiatric disorder, or neurological impairment, anxiety disorder, among others." Defendants object to questions 19, 20, 27, 28, 31, and 35. These questions "prime" the jury to presuppose the basis of the lawsuit and initial impressions may prejudice the defendants.

RESPECTFULLY SUBMITTED this 15th day of April, 2022

LAW FIRM OF JAMES E. BAHAMONDE,
P.C.

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